

The Honorable Judge Marsha Pechmam

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

TRAVIS MICKELSON, DANIELLE H.
MICKELSON, and the marital community
thereof,

Plaintiffs,

v.

CHASE HOME FINANCE, LLC, an unknown
entity; JPMORGAN CHASE BANK, N.A., a
foreign corporation; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., a foreign corporation; NORTHWEST
TRUSTEE SERVICES, INC., a domestic
corporation; CHICAGO TITLE, an unknown
corporation; ROUTH CRABTREE OLSEN,
P.S., a domestic Personal Services Corporation;
FEDERAL HOME LOAN MORTGAGE
CORPORATION, a corporation; JEFF
STENMAN, and JANE DOE STENMAN,
individually, and the marital community
comprised thereof; VONNIE MCELLIGOTT
and JOHN DOE MCELLIGOTT, individually,
and the marital community comprised thereof;
RHEA S. PRE and JOHN DOE PRE,
individually, and the marital community
comprised there; and ROBOSIGNERS DOE 1-
10;

Defendants.

No. C11-01445 MJP

**DEFENDANTS JEFF STENMAN AND
JANE DOE STENMAN, VONNIE
MCELLIGOTT AND JOHN DOE
MCELLIGOTT, AND RHEA PRE
AND JOHN DOE PRE'S JOINDER IN
DEFENDANTS JPMORGAN CHASE
BANK, N.A., MERS, AND FREDDIE
MAC'S MOTION TO DISMISS FILED
ON JANUARY 12, 2012**

**NOTE ON MOTION CALENDAR:
FEBRUARY 10, 2012**

Defendants Jeff Stenman and Jane Doe Stenman ("Stenman"), Vonnie McElligott and
John Doe McElligott ("McElligott"), and Rhea S. Pre and John Doe Pre ("Pre") hereby join in
JPMorgan Chase Bank ("Chase"), Mortgage Electronic Registration Systems, Inc. ("MERS"),

DEFENDANTS STENMAN, MCELLIGOTT,
AND PRE'S JOINDER IN DEFENDANTS
CHASE, MERS, AND FREDDIE MAC'S
PARTIAL MOTION TO DISMISS
1 of 2 C11-01445 MJP

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1 and Federal Home Loan Mortgage Corporation's ("Freddie Mac") collectively, ("Moving
2 Defendants") Partial Motion to Dismiss Plaintiffs' Amended Complaint pursuant to F.R.C.P.
3 12(b)(6) (the "Moving Defendants' Motion") filed on January 12, 2012. [Dkt. 43]. Defendants
4 Stenman, McElligott, and Pre incorporate the entirety of Moving Defendants' Motion, all
5 exhibits thereto, as if fully set forth herein.

6 By way of further response, Defendants Stenman, McElligott, and Pre note that the
7 majority of courts have held that activities, including that of a foreclosing trustee (and individual
8 employees thereof), in furtherance of a nonjudicial foreclosure is not debt collection under the
9 Fair Debt Collection Practices Act ("FDCPA") and those parties are not debt collectors.¹

10 In view of the foregoing, Defendants Stenman, McElligott, and Pre respectfully request
11 their Joinder in the Moving Defendants' Motion be granted and that Plaintiffs' Amended
12 Complaint be dismissed as to Defendants Stenman, McElligott, and Pre.

13 DATED this 19th day of January, 2012.

14 **ROUTH CRABTREE OLSEN, P.S.**

15
16 /s/ Heidi Buck
17 Heidi E. Buck, WSBA No. 41769
18 Of Attorneys for Defendants Routh Crabtree
19 Olsen, P.S. and Northwest Trustee Services,
20 Inc.

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23 ¹ See *Roman v. Nw. Tr. Services, Inc.*, C10-5585BHS, 2010 WL 5146593 *3 (W.D. Wash. Dec. 13, 2010); see also
24 *Hulse v. Ocwen Federal Bank, FSB*, 195 F.Supp.2d 1188, 1204 (D. Or. 2002); see also *Jordan v. Kent Recovery*
25 *Services*, 731 F. Supp. 652, 657-58 (D.Del.1990); see also *Armacost v. HSBC Bank USA*, Slip Copy, 2011 WL
26 825151, D.Idaho (February 09, 2011); see also *Anokhin v. BAC Home Loans Servicing, LLP*, Slip Copy, 2010 WL
5393972 (E.D.Cal.,2010); see also *Beadle v. Haughey*, 2005 DNH 16 (D.N.H. 2005); see also *Bittinger v. Wells*
Fargo Bank NA, 744 F. Supp. 2d 619 (S.D. Tex. 2010); see also *Gentsch v. Ownit Mortg. Solutions Inc.*, Slip Copy,
2009 WL 1390843 (E.D.Cal.,2009); see also *Heinemann v. Jim Walter Homes, Inc.*, 47 F. Supp. 2d 716, 722 (N.D.
W. Va. 1998); see also *Montgomery v. Huntington Bank*, 346 F.3d 693, 700 (6th Cir. 2003); and see *Powell v.*
Residential Mortg. Capital, Slip Copy, 2010 WL 2133011 (N.D.Cal.,2010).